

**Pages 1 to / à 2
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16(1)(c)

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***FISHERIES ACT - DIRECTION to Take Immediate Corrective Measures
Pursuant to subsection 38 (7.1) of the Fisheries Act***



Date: May 23th, 2024

To: Niclas, HAGLUND, President and Director of / and
1127921 B.C. LTD.,
6805 Island Hwy
Campbell River, British Columbia
Canada, V9H1R7

This is a legal direction pursuant to subsection 38(7.1) of the *Fisheries Act*.

Description of Occurrence:

Fisheries and Oceans Canada – Conservation and Protection (DFO – C&P) has reasonable grounds to believe that a harmful alteration, disruption or destruction to fish habitat has occurred, will continue to occur, or is about to occur at Ripple Rock Estates, 6805 N Island Hwy, Campbell River, BC, (Lat: 50 06.8697 Long: -125 20.9634) and the residential development that has included clearing and grading of the majority of 36 Hectares of land is deemed to be detrimental to the marine riparian habitat at this location which supports the life history and functions of fish and marine invertebrates . The reduced bank stability and associated slope failures has and will continue to directly affect the marine environment by the deposition of fine sediments over the upper intertidal and shallow subtidal zones at this site.

These works, undertakings or activities have or are about to contravene subsection 35(1) of the *Fisheries Act*.

Subsection 35(1) of the *Fisheries Act* states:

No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.



Based on observations made during inspections at Ripple Rock Estates, 6805 N Island Hwy, Campbell River, BC, (Lat: 50 06.8697 Long: -125 20.9634) on October 12, 2023, and October 26, 2023, DFO-C&P has determined that the aforementioned harmful alteration, disruption or destruction of fish habitat (HADD) is likely to result or to continue if immediate corrective measures are not taken.

Immediate Corrective Measures to be Taken:

Fishery Officer Geoff THORBURN is satisfied on reasonable grounds that immediate action is required to take corrective measures consistent with public safety and with the conservation and protection of fish and fish habitat to prevent the occurrence or to counteract, mitigate, or remedy any adverse effects that result from the occurrence or might reasonably be expected to result from it.

Pursuant to subsection 38(7.1) of the *Fisheries Act*, you are hereby directed by Fishery Officer Geoff THORBURN to take the following corrective measures:

- Assess the entire slope of the subject property (seaward of the development) for stability and provide recommendations for stabilizing the slope to prevent slippage, sloughing, and failure.
- Develop and implement an Erosion and Sediment Control Plan (ESCP) to effectively manage sediment and water on the development site; and
- Develop and implement an Environmental Restoration Plan (ERP), which includes a comprehensive planting plan to mitigate the effects of the unauthorized marine riparian clearing.
- The ESCP and ERP shall be provided to Fishery Officer Geoff THORBURN at Geoff.Thorburn@dfo-mpo.gc.ca for review by June 23, 2024.
- The ESCP shall detail the techniques required to effectively manage water and sediment at the development site to reduce the risks of further harming fish habitat.
- The ERP shall detail the techniques to be used to restore the marine riparian habitat at the site. The ERP shall include a planting plan for the disturbed areas on the entire slope. Only native species suitable to the moisture and growing conditions, which may vary across the site, shall be used. The ERP shall also include provisions to monitor the establishment of the riparian vegetation and ensure that the site is trending towards a functional unmanaged riparian vegetation community. Monitoring shall be undertaken for a minimum of 5 years and be conducted 1, 3 and 5 years post planting (i.e., 2025, 2027, and 2029).



- Monitoring reports for each of the three monitoring events shall be submitted to DFO by email at DFO.ORR-ONS.MPO@dfompo.gc.ca detailing the results of the monitoring efforts. When submitting the reports, please provide the NETS Occurrence number 202310147 and PATH number 23-HPAC-01082 for the file. The monitoring reports are due by December 31 of each of those years.

It is highly recommended that you consider retaining a Geotechnical Engineer to assess and comment on the stability of the slope and a Qualified Environmental Professional(s)(QEP) with expertise in erosion and sediment control and marine riparian restoration for the development of your ESCP and ERP. This may decrease the likelihood of incurring additional costs and potential delays in achieving successful site stabilization and restoration that is acceptable to DFO. However, you are NOT formally directed to retain a QEP(s).

Compliance with this direction does not preclude any legal action DFO may take with respect to this matter. This direction does not release you from responsibilities that may be required under other federal, provincial/territorial or municipal legislation.

Failure to comply with the whole or any part of the direction of a Fishery Officer under subsection 38(7.1) is a contravention of subsection 40(3)(g) of the *Fisheries Act*.

DFO will conduct site visits to ensure compliance with this *Fisheries Act* direction.

Should you have any questions related to this direction, please contact Fishery Officer Geoff Thorburn.

Name of Fishery Officer designated under Section 5 of the *Fisheries Act*:

Geoff Thorburn
Fishery Officer


Signature

Date: 22/05/23

Fisheries and Oceans Canada
Conservation and Protection
Pacific Region
315 - 940 Alder Street,
Campbell River B.C.
V9W 2P8

PATH No.: 23-HPAC-01082



Fisheries and Oceans
Canada Pêches et Océans
Canada

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